

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	05-CV-0329 GKF-SAJ
)	
TYSON FOODS, INC., <i>et al.</i>)	
)	
Defendants.)	
)	

**DEFENDANT CARGILL TURKEY PRODUCTION, LLC’S RESPONSES AND OBJECTIONS TO
PLAINTIFFS’ SEPTEMBER 13, 2007 SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO ALL DEFENDANTS**

Pursuant to Fed. R. Civ. P. 26, 33, and 34, Defendant Cargill Turkey Production, LLC (“CTP”) hereby provides the following responses and objections to Plaintiffs’ September 13, 2007 Set of Interrogatories and Requests for Production to all Defendants.

General Objections

CTP objects generally to each of Plaintiffs’ Interrogatories and Requests for Production as overly broad and misleading to the extent that said Interrogatories and Requests (a) purport to define “Waters of the State” as encompassing waters outside the Illinois River Watershed; and (b) purport to define “poultry waste” as “any . . . waste associated with the confinement of poultry from a poultry growing or feeding operation.” CTP further objects to Plaintiffs’ use of the term “poultry waste” as argumentative, inasmuch as poultry material used as fertilizer is not “waste” but is in fact a useful and beneficial material.

CTP objects generally to each of Plaintiffs’ Interrogatories and Requests for Production to the extent they request information prior to 2002 on issues other than corporate knowledge regarding the alleged detrimental effects of land application of “poultry waste,” in conflict with the Court’s repeated rulings concerning the permitted five year temporal scope of Plaintiffs’ discovery. (See,

e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.)

CTP objects generally to each of Plaintiffs' Interrogatories as overly broad and unduly burdensome to the extent they seek data or information not maintained by CTP in the ordinary course of its business. Further, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, CTP objects to each of Plaintiffs' Interrogatories as overly broad and unduly burdensome to the extent they demand that CTP calculate or compile data or information from documents for which the burden of ascertaining the answer would be substantially the same for Plaintiffs as it would be for CTP.

CTP objects generally to each of Plaintiffs' Interrogatories to the extent they seek information that is or may be more appropriately the subject of expert testimony and therefore exceeds the scope of expert discovery permitted by this Court's scheduling orders and by Fed. R. Civ. P. 26 (b)(4).

CTP objects generally to each of Plaintiffs' Requests for Documents as unduly burdensome to the extent they demand production of electronically stored information in native format without a showing that the method in which the ESI has been produced by CTP is not reasonably usable as required by Rule 34 of the Federal Rules of Civil Procedure. CTP has previously produced its email in .tiff format with fully searchable text files pursuant to agreement with Plaintiffs and have produced all other ESI in the same manner consistent with communications between Plaintiffs' counsel and counsel for CTP.

Interrogatories

Interrogatory No. 1: Do you contend that since 1980 no poultry waste (including any constituents thereof) that was generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you and that was applied to land within the Illinois River Watershed has run-off / been released / been discharged, directly or indirectly, to the Waters of the State in the Illinois River Watershed? If you do not so contend, please describe with

specificity (a) the constituents that have run-off / been released / been discharged, (b) when and how you first became aware that such constituents were running off / being released / being discharged, (c) the parcels of land from which such run-off / releases / discharges have occurred, (d) any efforts by you to quantify the amount of the constituents that have run-off / been released / have been discharged and the results of those efforts, (e) any efforts to characterize and/or quantify the environmental and/or human health effects of such run-off / releases / discharges on the Illinois River Watershed and the results of such efforts, and (f) the soil test phosphorus of the land upon which the poultry waste was applied at the time the poultry waste was applied.

Response:

CTP objects to this interrogatory on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.)

In this respect, the request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this interrogatory as compound, vague, and confusing, particularly with respect to the imprecise and compound disjunctive and conjunctive alternatives.

CTP further objects to this interrogatory to the extent it purports to incorporate Plaintiffs' definition of "Waters of the State" on the ground that the definition renders the interrogatory overly broad and misleading, encompassing water that is far beyond the scope of any claim that Plaintiffs make in this lawsuit.

CTP further objects to Plaintiffs' interrogatory on the ground that their definition of "poultry waste" is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs' use of the term "poultry waste" as argumentative, inasmuch as poultry material used as fertilizer is not "waste" but is in fact a useful and beneficial material.

CTP further objects to this interrogatory on the ground that it is repetitious and duplicative of Plaintiffs' April 20, 2007 Set of Requests to Admit to Cargill Turkey Production, LLP, and in particular of requests 1 and 6 in that set of requests, and CTP refers Plaintiffs to the responses to those requests for admission.

CTP further objects to this interrogatory on the ground that it improperly and illogically assumes that when a party does not contend a particular fact, that party necessarily contends the opposite of that fact.

Subject to and without waiving these objections:

CTP states that it is aware of no instances in which poultry materials (including constituents thereof) generated at poultry growing and feeding operations operated by CTP or growers contracting with CTP and applied to land within the Illinois River Watershed have "run off," been released, or been discharged, directly or indirectly, into the waters of the Illinois River Watershed.

As Plaintiffs are aware, this litigation involves Plaintiffs' contention that poultry waste generated at the operations of CTP or its contract growers has "run off" or been released into the Illinois River Watershed. CTP has spent considerable time since the initiation of this litigation attempting to ascertain whether Plaintiffs have evidence of any run-off, release, or discharge of any poultry material or constituents that Plaintiffs claim are attributable, directly or vicariously, to CTP. Plaintiffs have acknowledged that they have no direct evidence of any instances of run-off, releases, or discharges, [State's second Supplemental Responses to Defendant Cargill, Inc.'s Interrogatories #9 and #13 served Oct. 19, 2007], but claim that they will demonstrate such run-off, releases, and discharges using circumstantial evidence through the testimony of their experts. Contrary to the implication of this Interrogatory, Plaintiffs' inability or unwillingness to disclose their own knowledge (if any) of run-off, releases, and discharges that they attribute to CTP does not create a corollary requirement on the part of CTP to disprove Plaintiffs' as yet unsupported assertions.

Interrogatory No. 2: Do you contend that the run-off / release / discharge of poultry waste

(including any constituents thereof) that has been applied to land within the Illinois River Watershed had no adverse effect on the Waters of the State in the Illinois River Watershed or persons coming in contact or drinking such Waters? If you do not so contend, please (a) describe the adverse effect(s), (b) the degree of the adverse effect(s), (c) state when you first became aware of the adverse effect(s), and (d) state what you have done to address the adverse effect(s).

Response:

CTP objects to this interrogatory on the ground that it is unlimited in time, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.)

In this respect, the request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this interrogatory to the extent it purports to incorporate Plaintiffs' definition of "Waters of the State" on the ground that the definition renders the interrogatory overly broad and misleading, encompassing water that is far beyond the scope of any claim that Plaintiffs make in this lawsuit.

CTP further objects to Plaintiffs' interrogatory on the ground that their definition of "poultry waste" is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs' use of the term "poultry waste" as argumentative, inasmuch as poultry material used as fertilizer is not "waste" but is in fact a useful and beneficial material.

CTP further objects to this interrogatory on the ground that it improperly and illogically assumes that when a party does not contend a particular fact that party necessarily contends the opposite of that fact.

Subject to and without waiving these objections:

CTP states that it is aware of no instances in which poultry materials (including constituents

thereof) generated at poultry growing and feeding operations operated by CTP or growers contracting with CTP and applied to land within the Illinois River Watershed has caused any adverse effect on the waters of the Illinois River Watershed.

As Plaintiffs are aware, this litigation involves Plaintiffs' contention that poultry waste applied to land in the Illinois River Watershed has had an adverse effect on the waters of the Illinois River Watershed and persons coming into contact with or drinking said waters. CTP has spent considerable time since the initiation of this litigation attempting to find out from Plaintiffs whether Plaintiffs have evidence of any incident involving any poultry material or constituents that Plaintiffs claim are attributable, directly or vicariously, to CTP that would constitute a "release" under CERCLA or a nuisance under the common law. Plaintiffs have acknowledged that they have no direct evidence of any such incidents, [State's Supplemental Response to Defendant Cargill, Inc.'s Interrogatory #13], but claim that they will demonstrate such events using circumstantial evidence through the testimony of their experts. Contrary to the implication of this interrogatory, Plaintiffs' inability or unwillingness to disclose their own knowledge (if any) of such incidents that they attribute to CTP does not create a corollary requirement on the part of CTP to disprove Plaintiffs' as yet unsupported assertions.

In addition, Plaintiffs' interrogatory is not limited to CTP or the Cargill Defendants and thus stretches well beyond CTP's institutional knowledge. CTP has no present basis on which to evaluate whether any run-off, release, or discharge that may have occurred of poultry materials applied to land by other growers (whether those growers are associated with parties to this action or not) had any adverse effect on the waters of the Illinois River Watershed. Discovery is continuing and CTP reserves the right to supplement this response if necessary as further facts are developed.

Interrogatory No. 3: For each year since 1980 please state (a) the average weight per bird (in lbs.) of your birds raised / fed in the Illinois River Watershed, and the basis of your knowledge of this information, (b) the average weight of the excrement per bird (in lbs.) of your birds raised / fed in the

Illinois River Watershed, and the basis of your knowledge of this information, (c) how many birds you raised /fed in the Illinois River Watershed, and the basis of your knowledge of this information, (d) the total weight of feed (in lbs. or tons) supplied to feed your birds raised / fed in the Illinois River Watershed, and the basis of your knowledge of this information, and (e) the total weight of the ingredients in that feed that were grown, mined or otherwise produced within the Illinois River Watershed, and the basis of your knowledge of this information. If your response to any of the above is that you do not know, please state why you have never undertaken to determine this information.

Response:

CTP objects to this interrogatory on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this interrogatory on the ground that it seeks information that is or may be more appropriately the subject of expert testimony and therefore exceeds the scope of expert discovery permitted by this Court's scheduling orders and by Fed. R. Civ. P. 26 (b)(4).

CTP further objects to this interrogatory on the ground that it is overly broad and unduly burdensome to the extent it seeks data or information not maintained by CTP in the ordinary course of its business or demands that CTP calculate or compile data or information for which the burden of ascertaining the answer would be substantially the same for Plaintiffs as it would be for CTP. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, CTP specifies in its responses below the documents from which Plaintiffs can derive the answer to this interrogatory.

Subject to and without waiving these objections:

(a) There are many factors that impact average bird weight including but not limited to the type of bird at issue and the age of the bird at the point of time the average is taken. As the average weight of birds grown by CTP or its contract growers in the IRW since 2004 may vary

from flock to flock and from grower to grower, the best sources of information responsive to this interrogatory are as follows: Grower Flock Settlement Statements bates numbered CARTP013203-CARTP015020 and CARTP093902- CARTP095155; Turkey Settlement Recap Reports, Flock Performance Reports, and Breeder Flock Numbers History Reports bates numbered CARTP123574-CARTP123733; and the Flock Layer Reports which CTP will produce as soon as reasonably possible. However, generally, CTP produces breeder hens (layers) that weigh approximately 25 pounds at maturity and breeder big toms that weigh approximately 65 pounds at maturity. Similarly, CTP's independent contract growers generally produce small hens weighing approximately 14.25 pounds at maturity and big toms weighing approximately 36.5-37.5 pounds at maturity.

(b) CTP does not track information regarding the average weight of excrement per bird in the IRW and, therefore, has no information regarding actual excrement weights in the IRW. However, for the purposes of developing ballpark estimates CTP has used the rough ratio of 7 tons of litter generated per 1,000 small hens and 9 tons of litter generated per 1,000 big toms (see, e.g., Tim Alsup spreadsheet bates numbered CTP95366-370).

(c) CTP objects to this subsection as duplicative and cumulative of subsection (d) of Interrogatory No. 1 of the State's First Set of Interrogatories. CTP incorporates its objections and responses to Interrogatory No. 1 of the State's First Set of Interrogatories as if fully restated herein.

(d) The total weight of feed supplied to birds in the IRW may be derived from the following documents: Grower Flock Settlement Statements bates numbered CARTP013203-CARTP015020 and CARTP093902- CARTP095155; Turkey Settlement Recap Reports, Flock Performance Reports, and Breeder Flock Numbers History Reports bates numbered CARTP123574-CARTP123733; and the Flock Layer Reports which CTP will produce as soon as reasonably possible.

(e) The total weight of the ingredients in feed used in the Illinois River Watershed can be derived from CTP's feed formulas bates numbered CARTP007982-CARTP010855 and CARTP042822-CARTP043452.

Interrogatory No. 4: Please list the chemicals / chemical compounds, as well as types of any pathogens, that are typically found in excrement from your birds raised / fed in the Illinois River Watershed, and the ratio by weight of these chemicals / chemical compounds to one another. If your response is that you do not know, please state why you have never undertaken to determine this information.

Response:

CTP objects to this interrogatory on the ground that it is unlimited in time, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8; Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this interrogatory as vague and ambiguous with regard to use of the term "typically" in connection with the chemical constituents or alleged pathogen content of litter.

CTP further objects to this interrogatory on the ground that it is overly broad and unduly burdensome to the extent it seeks data or information not maintained by CTP in the ordinary course of its business or demands that CTP calculate or compile data or information for which the burden of ascertaining the answer would be substantially the same for Plaintiffs as it would be for CTP. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, CTP specifies in its responses below the documents from which Plaintiffs can derive the answer to this interrogatory.

Subject to and without waiving these objections:

CTP is not aware of the chemical constituents found in excrement from birds raised in the Illinois River Watershed except to the extent that it conducts limited, intermittent testing of excrement in poultry houses at its breeder farms and the farms of its independent contract growers for the

purposes of determining the presence and amount of nutrients and micronutrients. To the extent that this testing reflects chemical content of bird excrement in poultry houses in the IRW, the answer to this interrogatory may be derived from the “Manure for Fertilizer Analysis” reports produced in Tim Alsup’s files bates numbered CARTP016174-CARTPCARTP016583 and CARTP095156-CARTP095208. CTP is in the midst of collecting and reviewing a number of documents that may also contain information responsive to this interrogatory, and CTP will supplement this interrogatory or produce any additional responsive documents it identifies as soon as reasonably possible.

CTP does not test excrement that is land applied by it or its independent contract growers for chemical or pathogen content, and it cannot identify the chemicals or pathogens found in land applied excrement as said content may be impacted by a number of factors including but not limited to the methods of handling and storage of the excrement and the environmental and soil conditions existing at the time of application.

Interrogatory No. 5: For each year since 1980 please state whether poultry waste generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you in the Illinois River Watershed has been transported out of the Illinois River Watershed, and, if so, the identity of each operation that generated the poultry waste, the amounts of poultry waste that were transported out, when the poultry waste was transported out, where the poultry waste was transported to, who transported the poultry waste out, who paid for the transport out, and how much the transport cost.

Response:

CTP objects to this interrogatory on the ground that it requests information prior to 2002, in conflict with the Court’s repeated rulings concerning the permitted temporal scope of Plaintiffs’ discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to Plaintiffs’ interrogatory on the ground that their definition of “poultry

waste” is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs’ use of the term “poultry waste” as argumentative, inasmuch as poultry material used as fertilizer is not “waste” but is in fact a useful and beneficial material.

CTP further objects to this interrogatory on the ground that it is overly broad and unduly burdensome to the extent it seeks data or information not maintained by CTP in the ordinary course of its business or demands that CTP calculate or compile data or information from documents for which the burden of ascertaining the answer would be substantially the same for Plaintiffs as it would be for CTP. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, CTP specifies in its responses below the documents from which Plaintiffs can derive the answer to this interrogatory.

Subject to and without waiving these objections:

With regard to CTP’s breeder farms in the IRW, all poultry litter generated at these operations has been transported outside of the IRW since approximately October 2005. The only information CTP has regarding the details of the transportation of litter prior to Spring 2007, when CTP began transporting litter through BMPs, Inc., is contained in the documents bates numbered CARTP095156-CARTP095208. Since Spring 2007, CTP has transported litter from its breeder farms outside the IRW as follows:

<u>Farm</u>	<u>Haul Date</u>	<u>Amount of Litter</u>	<u>Transportation Location</u>	<u>Transporter</u>
Breeder Farm	7/19/07 – 7/23/07	119.2	Spiro, OK	Two States Sod
Breeder Farm #3	8/1/07 – 8/2/07	213.9 tons	Spiro, OK	Two States Sod
Breeder Farm #4	9/13/07 – 9/19/07	232.2 tons	Spiro, OK	Two States Sod / Jim Bob Cross
Breeder Farm #5	6/28/07 – 6/29/07	247 tons	Spiro, OK	Two States Sod
Breeder Farm #6	10/18/07 – 10/19/07	56 tons	Spiro, OK	Two States Sod

CTP has no knowledge regarding the costs of transportation as the buyer of the litter made all arrangements and paid all costs related to the litter's transportation.

With regard to CTP's independent contract growers in the IRW, to the knowledge of CTP these growers work directly with BMPs, Inc. to arrange for the transportation of their litter. CTP refers Plaintiffs to the documents produced by BMPs, Inc. pursuant to subpoena for the details of any such transportation.

Interrogatory No. 6: For poultry waste generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you in the Illinois River Watershed since 1980 that has not been transported out of the Illinois River Watershed, please state, broken down by year, how the poultry waste was disposed of (e.g., land application within the Illinois River Watershed, burning as fuel within the Illinois River Watershed, etc.) and the amount disposed of in each particular manner.

Response:

CTP objects to this interrogatory on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to Plaintiffs' interrogatory on the ground that their definition of "poultry waste" is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs' use of the term "poultry waste" as argumentative, inasmuch as poultry material used as fertilizer is not "waste" but is in fact a useful and beneficial material.

CTP further objects to this interrogatory on the ground that it is overly broad and unduly burdensome to the extent it seeks data or information not maintained by CTP in the ordinary course of its business or demands that CTP calculate or compile data or information from documents for

which the burden of ascertaining the answer would be substantially the same for Plaintiffs as it would be for CTP. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, CTP specifies in its responses below the documents from which Plaintiffs can derive the answer to this interrogatory.

Subject to and without waving these objections:

Prior to October 2005 when CTP began transporting all of its litter outside the IRW, the litter generated at CTP's breeder farms in the IRW was either land applied in a manner consistent with the state-approved Nutrient Management Plans produced as the documents bates numbered CARTP123734-CARTP123848, or it was sold as part of an in-kind transfer to the contractors who cleaned out CTP's poultry houses. CTP has no records regarding the in-kind transfers and, therefore, has no further information or knowledge regarding the amounts of litter removed and/or hauled by these contractors.

With regard to the operations of CTP's independent contract growers, to the knowledge of CTP its contract growers have used their litter pursuant to their Nutrient or Waste Managements Plans approved by the States of Arkansas or Oklahoma and in manners consistent with all applicable laws and regulations. CTP has no information regarding the amounts of litter used by its independent contract growers and directs Plaintiffs to the contract growers themselves for this information.

Interrogatory No. 7: For each year since 1980, please state (a) the amount (in lbs., tons, or other standard of measure) of and (b) the percentage of the poultry waste generated by your poultry growing / feeding operations and poultry growing / feeding operations under contract with you that has been applied to land within the Illinois River Watershed as what you contend is a fertilizer, and identify the information upon which you have relied in making your answer.

Response:

CTP objects to this interrogatory on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs'

discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to Plaintiffs' interrogatory on the ground that their definition of "poultry waste" is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs' use of the term "poultry waste" as argumentative, inasmuch as poultry material used as fertilizer is not "waste" but is in fact a useful and beneficial material.

CTP further objects to this interrogatory on the ground that it is overly broad and unduly burdensome to the extent it seeks data or information not maintained by CTP in the ordinary course of its business or demands that CTP calculate or compile data or information from documents for which the burden of ascertaining the answer would be substantially the same for Plaintiffs as it would be for CTP. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, CTP specifies in its responses below the documents from which Plaintiffs can derive the answer to this interrogatory.

Subject to and without waiving these objections:

With regard to CTP's poultry growing operations in the IRW, see the state-approved nutrient management plans produced as bates numbered CARTP123734-CARTP123848.

With regard to the poultry growing operations of CTP's contract growers, see the state-approved nutrient or waste management plans each grower provides to the States of Oklahoma and Arkansas.

Interrogatory No. 8: Please identify each and every seminar, conference, workshop, symposium, meeting and/or task force since 1980 attended by or participated in by you or your employees that addressed (a) the land application of poultry waste (including any constituents thereof), (b) the run-off/ release / discharge of poultry waste (including any constituents thereof) from land on which it has been applied to the environment, and/or (c) the environmental and/or human

health effects or dangers of the run-off/ release / discharge of poultry waste (including any constituents thereof) from land on which it has been applied to the environment. A complete answer will include (i) the name, date and location of the seminar, conference, workshop, symposium, meeting and/or task force, (ii) the sponsor(s) or organizer(s) of the seminar, conference, workshop, symposium, meeting and/or task force, (iii) a detailed description of the topics covered by the seminar, conference, workshop, symposium, meeting and/or task force, (iv) the names of the presenters at the seminar, conference, workshop, symposium, meeting and/or task force, and (v) the name(s) of any attendees / participants from your company who attended or participated in the seminar, conference, workshop, symposium, meeting and/or task force.

Response:

CTP further objects to Plaintiffs' interrogatory on the ground that their definition of "poultry waste" is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs' use of the term "poultry waste" as argumentative, inasmuch as poultry material used as fertilizer is not "waste" but is in fact a useful and beneficial material.

CTP further objects to this interrogatory on the ground that it is overly broad and unduly burdensome to the extent it seeks data or information not maintained by CTP in the ordinary course of its business or demands that CTP calculate or compile data or information from documents for which the burden of ascertaining the answer would be substantially the same for Plaintiffs as it would be for CTP. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, CTP specifies in its responses below the documents from which Plaintiffs can derive the answer to this interrogatory.

Subject to and without waiving these objections:

CTP employees routinely attend meetings and seminars hosted by the Poultry Federation, the U.S. Poultry and Egg Association, the National Turkey Federation, the National Poultry Waste

Symposium, the States of Arkansas and Oklahoma, and others. However, CTP does not recall the specific details of all such meetings and seminars that its employees have attended since 1980. In order to ascertain the answer to this interrogatory, CTP refers Plaintiffs to the materials maintained by its employees from these meetings and seminars, all of which have been collected and either have been or are being produced to Plaintiffs in compliance with the Court's July 6, 2007 Order.

Interrogatory No. 9: Please state whether you are or ever have been a member of (a) Poultry Partners, (b) Poultry Federation, (c) United States Poultry & Egg Association, (d) National Chicken Council, (e) National Turkey Federation, (f) Southeastern Poultry & Egg Association, (g) National Broiler Council, and/or (h) Poultry Water Quality Consortium, and, if so, your years of membership and the names of your employees who represented you in the organization.

Response:

CTP objects to this interrogatory on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP objects to this interrogatory as vague and ambiguous with regard to the term "represented." For the purpose of responding to this interrogatory, CTP interprets the term to request identification of CTP employees who participated in any manner in the organizations at issue. To that extent, CTP identifies all such employees currently known.

Subject to and without waiving this objection:

(a) Poultry Partners

Member: No

Year(s) of Membership: Not applicable

Representative(s): Not applicable

(b) Poultry Federation

Member: Yes

Year(s) of Membership: CTP has been a member since 2004.

Representative(s): Tim Alsup, Paul Lawrence and John Roberts

(c) United States Poultry & Egg Association

Member: Yes

Year(s) of Membership: CTP has been a member since 2004.

Representative(s): Tim Alsup and Steve Willardsen

(d) National Chicken Council

Member: No

Year(s) of Membership: Not applicable

Representative(s): Not applicable

(e) National Turkey Federation

Member: Yes

Year(s) of Membership: CTP has been a member since 2004.

Representative(s): John O'Carroll, Steve Willardsen, Tim Maupin and many other employees participate in this organization.

(f) Southeastern Poultry & Egg Association (The name of this organization was changed to U.S. Poultry & Egg Association.)

Member: See response for U.S. Poultry & Egg Association above

Year(s) of Membership: See response for U.S. Poultry & Egg Association above

Representative(s): See response for U.S. Poultry & Egg Association above

(g) National Broiler Council (The name of this organization was changed to the National Chicken Council.)

Member: See response for National Chicken Council above

Year(s) of Membership: See response for National Chicken Council above

Representative(s): See response for National Chicken Council above

(h) Poultry Water Quality Consortium

Member: CTP has not been able to locate any information regarding membership in this organization, if any.

Year(s) of Membership: Unknown

Representative(s): Unknown

Interrogatory No. 10: Do you presently have or have you had since 1980 any direct or indirect ownership interest in any entity that raises / feeds poultry or owns poultry in the Illinois River Watershed? If so, for each such entity please describe the interest in detail, including but not limited to the name of the entity, the nature of the interest in the entity, any other owners of the entity, the management structure and composition of the entity, the date when the interest in the entity began and (if applicable) when the interest terminated, if the interest terminated the reasons it terminated and

what became of the interest, and the number of birds raised annually in the Illinois River Watershed by the entity.

Response:

CTP objects to this interrogatory on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this interrogatory on the ground that it is overly broad and unduly burdensome to the extent it seeks data or information not maintained by CTP in the ordinary course of its business or demands that CTP calculate or compile data or information from documents for which the burden of ascertaining the answer would be substantially the same for Plaintiffs as it would be for CTP. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, CTP specifies in its responses below the documents from which Plaintiffs can derive the answer to this interrogatory.

Subject to and without waiving these objections:

Since its creation in 2004, CTP has had 100% ownership interest in its live turkey production operations in the IRW. Since 2004, CTP has had no other ownership interest, direct or indirect, in any other entity that has grown poultry in the IRW. CTP refers Plaintiffs to the organizational charts bates numbered CARTP112694-CARTP112697, CARTP114666, and CARTP121430-CARTP121431 regarding the management structure of CTP.

CTP incorporates by reference as if fully restated herein its objections and responses to Interrogatory 1(d) of Plaintiffs' First Set of Interrogatories and Interrogatory No. 3(c) herein with regard to the number of birds raised annually in the IRW.

Interrogatory No. 11: Please describe in detail any involvement or role, direct or indirect, you had in the funding, research, writing, revision, publication or distribution (including the

distribution to poultry growers under contract with you) of each and every edition / version of the “Poultry Water Quality Handbook,” and state whether the “Poultry Water Quality Handbook” exists or ever existed in your files, or is or was ever in your possession.

Response:

Based on the information available to CTP to date, CTP has located three copies of the “Poultry Water Quality Handbook” in its business records. These documents will be produced to Plaintiffs as soon as is reasonably possible. To its current knowledge, CTP had no role in the funding, research, writing, revision, publication or distribution of any edition or version of the “Poultry Water Quality Handbook.” Further, CTP has neither specifically endorsed nor adopted any statements contained in the “Poultry Water Quality Handbook” as factually or scientifically correct either today or at the time it was published.

Interrogatory No. 12: Please identify (name, position, phone number, and last known address) all employees, past and present, with knowledge of (a) your policies, past or present, concerning the handling, storage, use, management, disposal and/or land application of poultry waste, (b) the propensity of poultry waste that has been land applied to run-off, and (c) any environmental or human health effects of poultry waste run-off.

Response:

CTP objects to this interrogatory on the ground that it requests information prior to 2002, in conflict with the Court’s repeated rulings concerning the permitted temporal scope of Plaintiffs’ discovery. (*See, e.g.*, 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to Plaintiffs’ interrogatory on the ground that their definition of “poultry waste” is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs’ use of the term “poultry waste” as argumentative,

inasmuch as poultry material used as fertilizer is not “waste” but is in fact a useful and beneficial material.

Subject to and without waiving these objections:

CTP states that its past and present flock supervisors, veterinarians, and live production managers in the IRW would have general knowledge of CTP’s policies regarding litter management and the laws and regulations instituted by the States of Arkansas and Oklahoma to address concerns regarding potential run-off of poultry litter constituents and the environmental or human health effects, if any, of such run-off should it occur. Although it is not possible for CTP to identify all former employees that fall within this category given the passage of time and CTP’s record retention policies, CTP identifies below the employees of which it is currently aware with such knowledge:

Name	Position	Former / Current	Contact Information
Alsup, Tim	Precision Ag Manager	Current	Contact through CTP’s Counsel
Barton, James	Veterinarian	Former	3376 Peppermill Place Springdale, AR 72764
Berendt, Scott	Breeder Farm Manager	Current	Contact through CTP’s Counsel
Delap, Charlie	Breeder/Hatchery Manager	Current	Contact through CTP’s Counsel
Delozier, Bryan	Flock Management Supervisor	Current	Contact through CTP’s Counsel
Devor, Bobbi	Breeder Flock Management Supervisor	Current	Contact through CTP’s Counsel
Duncan, Gerald	Senior Ag Manager	Former	275 Ranchcrest Lorena, TX 76655
Fate, Mark	Flock Management Supervisor	Current	Contact through CTP’s Counsel
James, Robert	Flock Management Supervisor	Former	2502 Jean St Springdale, AR 72762
Karunakaran, Daniel	Veterinarian	Former	916 Wild Cherry Lane Harrisonburg, VA 22801
Lassiter, Austin	Flock Management Supervisor	Current	Contact through CTP’s Counsel
Logan, Lance	Flock Management Supervisor	Current	Contact through CTP’s Counsel

<u>Name</u>	<u>Position</u>	<u>Former / Current</u>	<u>Contact Information</u>
Mason, William	Breeder Farm Manager	Current	Contact through CTP's Counsel
Mefford, Nathan	Flock Management Supervisor	Former	5010 Roxbury Way Springdale, AR 72762
Oxford, Deryle	V.P. Live Operations	Former	2918 Willow Bend Circle Springdale, AR 72762
Pathkiller, Kevin	Breeder Farm Manager	Current	Contact through CTP's Counsel
Schader, Sean	Flock Management Supervisor	Current	Contact through CTP's Counsel
Stafford, Sarah	Flock Management Supervisor	Current	Contact through CTP's Counsel
Wallace, Mark	Flock Management Supervisor	Current	Contact through CTP's Counsel
Wallis, Eric	Breeder Flock Management Supervisor	Current	Contact through CTP's Counsel
Ward, Jim	Grow Out Manager	Current	Contact through CTP's Counsel
Witt, Jason	Production Manager	Current	Contact through CTP's Counsel
Wooming, Brian	Veterinarian	Current	Contact through CTP's Counsel

Interrogatory No. 13: Please state when you first communicated with your contract growers in the Illinois River Watershed about (a) best management practices, (b) waste management plans, (c) nutrient management plans, and/or (d) any concerns about the adverse environmental impact of the run-off / release / discharge of poultry waste that has been land-applied, and (e) the content of each of those communications.

Response:

CTP objects to Plaintiffs' interrogatory on the ground that their definition of "poultry waste" is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs' use of the term "poultry waste" as argumentative, inasmuch as poultry material used as fertilizer is not "waste" but is in fact a useful and beneficial material.

Subject to and without waiving these objections:

Since its creation in 2004, CTP has communicated with its independent contract growers to ensure their awareness of the need to comply with the applicable laws and regulations of the States of Arkansas and Oklahoma addressing litter management practices, nutrient or waste management plans, and concerns about potential environmental effects of run-off or release of poultry waste or its constituents should it occur under circumstances or conditions that might result in an adverse environmental impact.

Interrogatory No. 14: Please identify each and every environmental study or investigation concerned with the environmental impact of the handling and/or disposition of poultry waste on water quality which you have been involved with or participated in, including but not limited to allowing or facilitating access to your operations, farms or property and/or the operations, farms or property of your contract growers, providing statistical or other kinds of information, answering questions, participating in surveys or granting interviews and/or allowing or facilitating your contract growers answering questions, participating in surveys or granting interviews, and discussing and/or reviewing the conclusions or results of such studies or investigations.

Response:

CTP objects to Plaintiffs' interrogatory on the ground that their definition of "poultry waste" is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs' use of the term "poultry waste" as argumentative, inasmuch as poultry material used as fertilizer is not "waste" but is in fact a useful and beneficial material.

CTP further objects to this interrogatory to the extent that it seeks expert information prior to the date for expert disclosures under the Court's scheduling orders and to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine or joint defense / common interest privilege.

CTP further objects to this interrogatory on the ground that it is overly broad and unduly burdensome to the extent it demands that CTP calculate or compile data or information from documents for which the burden of ascertaining the answer would be substantially the same for Plaintiffs as it would be for CTP. Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, CTP specifies in its responses below the documents from which Plaintiffs can derive the answer to this interrogatory.

Subject to and without waiving these objections:

Except to the extent CTP has supported industry organizations that may have participated in studies or investigations in these areas, CTP is not aware of any non-privileged information responsive to this interrogatory.

Requests for Production

Request for Production No. 1: To the extent you have not already produced them, please produce copies of all documents you relied upon in responding to each of the above interrogatories.

Response:

Subject to and without waiving its General Objections and the specific objections raised in response to each interrogatory:

CTP has produced previously many of the documents responsive to this request. CTP refers Plaintiffs to the specific documents and bates ranges referenced in its answers to Plaintiffs' interrogatories herein. CTP is in the midst of collecting and reviewing a number of documents that may also respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 2: To the extent you have not already produced them, please produce copies of all materials you or your employees received at the seminars, conferences, workshops, symposia, meetings and task forces identified in response to Interrogatory No. 8.

Response:

Subject to and without waiving the objections raised in response to Interrogatory No. 8 herein:

CTP has produced previously many of the documents responsive to this request. CTP refers Plaintiffs to the specific documents referenced in its answer to Plaintiffs' Interrogatory No. 8. CTP is in the midst of collecting and reviewing a number of documents that may also respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 3: To the extent you have not already produced them, please produce copies of all reports or analyses received from Agri Stats, Inc. (or any of its affiliates) that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed, including but not limited to any annual, monthly and special reports.

Response:

CTP objects to this request on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this request on the ground that it requests information outside the Illinois River Watershed unrelated to "corporate knowledge of the environmental effects of the land application of poultry waste," in conflict with the Court's repeated rulings concerning the permitted geographic scope of Plaintiffs' discovery. (See, e.g., 7/6/07 Order at 3: Dkt. No. 1207.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections:

CTP has no documents responsive to this request as all the data CTP has supplied to or received from Agri Stats, Inc. relates to complex-wide data that is not differentiated by watershed or grower.

Request for Production No. 4: To the extent you have not already produced them, please produce copies of all documents, reports, data and/or summaries that you have provided to Agri Stats, Inc. (or any of its affiliates) that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed.

Response:

CTP objects to this request on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8; Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this request on the ground that it requests information outside the Illinois River Watershed unrelated to "corporate knowledge of the environmental effects of the land application of poultry waste," in conflict with the Court's repeated rulings concerning the permitted geographic scope of Plaintiffs' discovery. (See, e.g., 7/6/07 Order at 3; Dkt. No. 1207.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections:

CTP has no documents responsive to this request as all the data CTP has supplied to or received from Agri Stats, Inc. relates to complex-wide data that is not differentiated by watershed or grower.

Request for Production No. 5: To the extent you have not already produced them, please produce copies of all documents, reports, data and/or summaries, including source materials and

supporting data, that you have provided to the U.S.D.A. that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed.

Response:

CTP objects to this request on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this request on the ground that it requests information outside the Illinois River Watershed unrelated to "corporate knowledge of the environmental effects of the land application of poultry waste," in conflict with the Court's repeated rulings concerning the permitted geographic scope of Plaintiffs' discovery. (See, e.g., 7/6/07 Order at 3: Dkt. No. 1207.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks information related to the processing of poultry products (as opposed to live poultry production operations).

Subject to and without waiving these objections:

CTP has produced previously documents that may respond to this request. CTP is in the midst of collecting and reviewing a number of documents that may also respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 6: To the extent you have not already produced them, please produce copies of all drafts / versions / editions of the "Poultry Water Quality Handbook" in your

possession, as well as all documents referring or relating to the “Poultry Water Quality Handbook” or the creation of the “Poultry Water Quality Handbook.”

Response:

CTP refers Plaintiffs to its objections and answer to Interrogatory No. 11 herein. CTP is in the midst of collecting and reviewing a number of documents that may also respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 7: To the extent you have not already produced them, please produce copies of all documents referring or relating to the Poultry Water Quality Consortium.

Response:

CTP objects to this request on the ground that it requests information prior to 2002, in conflict with the Court’s repeated rulings concerning the permitted temporal scope of Plaintiffs’ discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this request on the ground that it requests information outside the Illinois River Watershed unrelated to “corporate knowledge of the environmental effects of the land application of poultry waste,” in conflict with the Court’s repeated rulings concerning the permitted geographic scope of Plaintiffs’ discovery. (See, e.g., 7/6/07 Order at 3: Dkt. No. 1207.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections:

CTP has produced previously documents that may respond to this request (see, e.g., the documents bates numbered CARTP016538-CARTP016540). CTP is in the midst of collecting and reviewing a number of documents that may also respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 8: To the extent you have not already produced them, please produce any lists or catalogues of published treatises, periodicals, pamphlets, books and articles (including title, author, publisher, and date of publication) in your possession, custody or control that address (a) the land application of poultry waste (or any constituents thereof), (b) the run-off/ release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment, and/or (c) the environmental and/or human health effects or dangers of the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment.

Response:

CTP objects to Plaintiffs' request on the ground that their definition of "poultry waste" is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs' use of the term "poultry waste" as argumentative, inasmuch as poultry material used as fertilizer is not "waste" but is in fact a useful and beneficial material.

Subject to and without waiving these objections:

CTP has produced previously documents that may respond to this request (see, e.g., the documents bates numbered CARTP015585-CARTP015680). CTP is in the midst of collecting and reviewing a number of documents that may also respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 9: To the extent you have not already produced them, please produce copies of all reports, disclosures, impact statements, assessments or similar materials pertaining to (a) the land application of poultry waste (or any constituents thereof), (b) the run-off/ release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment, and/or (c) the environmental and/or human health effects or dangers of the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has

been applied to the environment that you received from, turned over to, or exchanged with any buyer or seller of a poultry growing / feeding operation or received, turned over, exchanged or generated in connection with the sale or purchase of any poultry growing / feeding operation.

Response:

CTP objects to Plaintiffs' request on the ground that their definition of "poultry waste" is compound, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. CTP further objects to Plaintiffs' use of the term "poultry waste" as argumentative, inasmuch as poultry material used as fertilizer is not "waste" but is in fact a useful and beneficial material.

Subject to and without waiving these objections:

CTP has produced previously documents that may respond to this request (see, e.g., the documents bates numbered CARTP104565-660, CARTP112238-239, and CARTP112593-594). CTP is in the midst of collecting and reviewing a number of documents that may also respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 10: To the extent you have not already produced them, please produce copies of any documents reflecting any direct or indirect ownership interest that you have or have had in the past 25 years in any entity that raises / feeds poultry or owns poultry in the Illinois River Watershed, as well as copies of documents relating to the nature of the interest in any such entities, any other owners of any such entities, the management structure and composition of any such entities, the date when the interest in any such entities began and (if applicable) when such interests terminated, if such interests terminated the reasons they terminated and what became of the interests, and the number of birds raised / fed annually in the IRW by any such entities.

Response:

CTP objects to this request on the ground that it seeks information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections:

CTP refers Plaintiffs to its objections and answer to Interrogatory No. 10 herein. CTP has no documents responsive to this request insofar as ownership of other entities is concerned. CTP has produced previously the documents responsive to this request insofar as the management structure of CTP is concerned.

Request for Production No. 11: To the extent you have not already produced them, please produce copies of documents reflecting your financial statements for fiscal years 2002 to the present, as well as any other documents reflecting your net worth for fiscal years 2002 to the present. For purposes of this request for production, the term "financial statement" includes, but is not necessarily limited to, balance sheets, statements of income, statements of equity position, statements of cash flow, and all footnotes.

Response:

CTP objects to this request as duplicative of Document Request No. 107 in Plaintiffs' July 10, 2006 Set of Document Requests. CTP incorporates herein by reference its objections and responses to Document Request No. 107 in Plaintiffs' First Set of Document Requests as if fully set forth herein.

Request for Production No. 12: To the extent you have not already produced them, please produce copies of all documents referring or relating to poultry waste generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you in the Illinois River Watershed that has been transported out of the Illinois River Watershed (including but not limited to documents referring or relating to the identity of each operation that generated the

poultry waste, the amounts of poultry waste that were transported out, where the poultry waste was transported to, who transported the poultry waste out, and who paid for the transport out).

Response:

CTP refers Plaintiffs to its objections and answer to Interrogatory No. 5 herein. Additional information responsive to this request may be found in the documents produced by BMPs, Inc. pursuant to subpoena.

Request for Production No. 13: To the extent you have not already produced them, please produce copies of all documents listed on your Rule 26(a) disclosure in this case.

Response:

CTP has produced all documents responsive to this request.

Request for Production No. 14: To the extent you have not already produced them, please produce copies of all documents referring or relating to the Animal and Poultry Waste Management Center at North Carolina State University.

Response:

CTP objects to this request on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP objects to this request on the ground that it requests information outside the Illinois River Watershed unrelated to "corporate knowledge of the environmental effects of the land application of poultry waste," in conflict with the Court's repeated rulings concerning the permitted geographic scope of Plaintiffs' discovery. (See, e.g., 7/6/07 Order at 3: Dkt. No. 1207.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections:

To date, CTP has identified no documents responsive to this request. CTP is in the midst of collecting and reviewing a number of documents that may respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 15: To the extent you have not already produced them, please produce copies of all documents referring or relating to any surveys / audits / reports of poultry growing / feeding operations owned by you or under contract with you in the Illinois River Watershed that concern or collected information about (a) the amount of poultry waste generated at such operations and/or (b) the disposition of poultry waste generated at such operations.

Response:

CTP objects to this request as exceeding the scope of permissible discovery to the extent that it seeks expert information prior to the date for expert disclosures under the Court's scheduling orders and to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, or joint defense / common interest privilege.

Subject to and without waiving these objections:

CTP has produced all documents responsive to this request.

Request for Production No. 16: To the extent you have not already produced them, please produce copies of all correspondence between you and your contract poultry growers in the Illinois River Watershed that concern (a) how many poultry houses the poultry growing / feeding operation has / had in operation, (b) how much poultry waste is / was being produced annually (or for a particular time period) per house or per growing / feeding operation, (c) the disposition of the poultry waste generated at the poultry growing / feeding operation, (d) the costs associated with handling / disposing of poultry waste generated at the poultry growing / feeding operation, and/or (e) any preferences of the poultry grower regarding the disposition of the poultry waste generated at the poultry growing / feeding operation.

Response:

CTP has produced all documents responsive to this request.

Request for Production No. 17: To the extent you have not already produced them, please produce copies of all documents reflecting or referring to your earliest, as well as all subsequent, communications with your contract growers in the Illinois River Watershed about (a) best management practices, (b) waste management plans, (c) nutrient management plans, and (d) any concerns about the adverse environmental impact of the run-off/ release / discharge of poultry waste that has been land-applied.

Response:

CTP has produced all documents responsive to this request.

Request for Production No. 18: To the extent you have not already produced them, please produce copies of your earliest communications with employees at your company-owned and company-managed poultry growing / feeding operations in the Illinois River Watershed about (a) best management practices, (b) waste management plans, (c) nutrient management plans, and (d) any concerns about the adverse environmental impact of the run-off / release / discharge of poultry waste that has been land-applied.

Response:

CTP has produced previously documents that may respond to this request (see, e.g., the Best Management Practices guides bates numbered CARTP000005-CARTP000037). CTP is in the midst of collecting and reviewing a number of documents that may also respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 19: To the extent you have not already produced them, please produce copies of all documents referring or relating to NCC / US Poultry CAFO Questionnaire, including but not limited to copies of the Questionnaire itself, all completed Questionnaires, all

responses to the Questionnaire by you or your contract growers located in the Illinois River Watershed and all reports, analyses or compilations of such Questionnaire responses.

Response:

CTP objects to this request on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8; Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this request on the ground that it requests information outside the Illinois River Watershed unrelated to "corporate knowledge of the environmental effects of the land application of poultry waste," in conflict with the Court's repeated rulings concerning the permitted geographic scope of Plaintiffs' discovery. (See, e.g., 7/6/07 Order at 3; Dkt. No. 1207.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections:

CTP has produced previously documents that may respond to this request (see, e.g., the documents bates numbered CARTP141554-CARTP141625). CTP is in the midst of collecting and reviewing a number of documents that may also respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 20: To the extent you have not already produced them, please produce copies of all documents referring to or relating to any progress reports to the Arkansas Department of Pollution Control and Ecology and Arkansas Soil and Water Conservation Commission for assessment of the progress and success of the Best Management Practices Program. By way of example, but without limitation, this request includes but is not limited to progress reports resulting from the "Environmental Agreement" one or more of the Tyson Defendants entered into in or about 1992 with contract growers in the Illinois River Watershed.

Response:

CTP objects to this request on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8: Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this request on the ground that it requests information outside the Illinois River Watershed unrelated to "corporate knowledge of the environmental effects of the land application of poultry waste," in conflict with the Court's repeated rulings concerning the permitted geographic scope of Plaintiffs' discovery. (See, e.g., 7/6/07 Order at 3: Dkt. No. 1207.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this request to the extent that it seeks documents related to agreements or communications generated by or to "one of more of the Tyson Defendants." Such requests are better directed to the Tyson Defendants in question; however, CTP will respond to extent any such documents are within its possession, custody or control.

Subject to and without waiving these objections:

To date, CTP has identified no documents responsive to this request. CTP is in the midst of collecting and reviewing a number of documents that may respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

Request for Production No. 21: To the extent you have not already produced them, please produce copies of all documents referring or relating to any mapping, imaging or depiction of land application of poultry waste, of phosphorus levels, of nitrogen levels and/or of nutrient levels in the Illinois River Watershed, including but not limited to any thermal imaging, aerial photography, satellite imagery, electromagnetic conductivity, or other mapping or imaging technologies.

Response:

CTP objects to this request on the ground that it requests information prior to 2002, in conflict with the Court's repeated rulings concerning the permitted temporal scope of Plaintiffs' discovery. (See, e.g., 10/24/07 Order at 7, 8; Dkt. No. 1336.) The request is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

CTP further objects to this request as exceeding the scope of permissible discovery to the extent that it seeks expert information prior to the date for expert disclosures under the Court's scheduling orders and to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine or joint defense / common interest privilege.

Subject to and without waiving these objections:

CTP has produced previously documents that may respond to this request. CTP is in the midst of collecting and reviewing a number of documents that may also respond to this request, and CTP will produce any additional non-privileged, responsive documents it identifies as soon as reasonably possible.

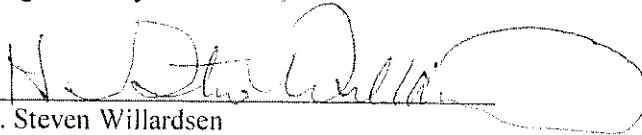
;

CORPORATE VERIFICATION

H. Steven Willardsen, President, Cargill Turkey Production, LLC, a wholly owned subsidiary of Cargill Meat Solutions Corporation, which is a wholly owned subsidiary of Cargill Incorporated states that he is an authorized signatory of Defendant Cargill Turkey Production, LLC in the above-titled action; that he signs the foregoing Responses and Objections to Plaintiffs' September 13, 2007 Set of Interrogatories to All Defendants for and on behalf of Defendant Cargill Turkey Production, LLC and is duly authorized to do so by Cargill Turkey Production, LLC; that certain of the matters stated in the foregoing Responses and Objections to Plaintiffs' September 13, 2007 Set of Interrogatories to All Defendants are not within his personal knowledge; that he is informed that there is no Officer or Managing Agent of Defendant Cargill Turkey Production, LLC who has personal knowledge of all such matters; that the facts stated in said Answers have been assembled by authorized employees of Cargill Turkey Production, LLC and counsel of Defendants Cargill Turkey Production, LLC and Cargill Incorporated; and that he is informed that the facts stated in the foregoing Answers are true and correct.

Dated: November 16, 2007

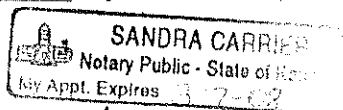
Cargill Turkey Production, LLC



H. Steven Willardsen
President, Cargill Turkey Production, LLC
Authorized signatory for Cargill Turkey
Production, LLC

STATE OF KANSAS
COUNTY OF SEDGWICK

Subscribed and sworn to before me
this 16th day of November, 2007.



Sandra Carrier

AS TO OBJECTIONS AND REQUESTS FOR PRODUCTION

November16, 2007

FAEGRE & BENSON LLP

BY: /s/ Delmar Ehrich

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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